

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 22nd day of February 2016 A.D. at **6:30 p.m.**

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Denise M. deMedeiros - President	Jay J. Lambert	Peter A. Mello
	Joan B. Chabot – Vice President	Brett N. Pelletier	David Perry
	Joseph R. Sousa		

Councilors Chabot arrived at 6:55 pm

Town Administrator, Matthew Wojcik and Town Solicitors Peter Skwirz and Anthony DeSisto (later arrival) were also present.

Hague, Sahady & Co., P.C. - Annual Financial Report Year Ending June 30, 2015

Kyle Connors from Hague, Sahady & Company answered questions on the Annual Financial Report year ending June 30, 2015. Mr. Connors referred to several pages in the Report book including pages 5-6 regarding the clear opinion of the audit. Pages 8-16 contain a narrative and a summary of the audit. Page 18 beginning with the Balance Sheet the various Statements begin; explained Teachers and Municipal Survivor Benefits are now new net pension assets that have to be recorded per Governmental Accounting Standards Board (GASB) 67 & 68. The State plans are overfunded which is out of control of the Town. According to GASB 68 the State is allowed to be one year behind. The Police Pension is Town funded at 67%, not alone in this deficit; common across RI. Page 21 shows net position to be over \$6million. The General Fund (the Fund) is in good shape; Town Charter requires 3% of the unassigned fund balance, \$1.3 million for 2015, currently have \$1.8 million. Councilor Perry questioned fund balances of other towns. Mr. Connors did not know offhand, can provide this information. The Enterprise funds shown on pages 26-28 have no real significant change. Pages 31-76 are the Notes to the Financial Statements. Note 1 shows no significant change in policy other than the adoption of GASB 67&68. Page 46 is a detailed breakdown of capital assets; large increase in building improvement mostly from the new library. Page 49 shows the Landfill cost and post closure costs. Estimated to be a \$9million liability; the Town has put away \$6.3 million so far to cover the cost. Page 50 shows \$21.3 million in Other Post-Employment Benefits (OPEB). Not required to put on the balance sheet yet. Pages 52-73 show pension information from the State actuary.

Councilor Perry referred back to page 49, wanted to point out the Landfill Closure Account; the Town has accumulated \$6.3 million which is over last year's \$5.825 million for a \$500k increase. Administrator Wojcik explained that difference would be one year's Pay As You Throw income and \$63k of interest income. Page 78-81 would be most useful for the Council as they show budget to actual for the Fund; page 78 shows an unfavorable increase of \$284k in general property taxes. Page 79 shows the use of the Fund balance originally included in the budget; was redacted at a later date. Page 80 shows a favorable increase in school salaries; costs came in lower than anticipated; money was also saved on self-insured employment claims. Some unanticipated building improvements also occurred in 2015. Additional detailed information starts on page 84; pages 100-111 show detailed versions of the budget to actual and the resolution that transferred an excess of \$182k to paving. Page 139 has detailed statistical information including property taxes, debt service and the legal debt margin. Page 143 shows the Town is in compliance for the legal debt margin. Councilor Perry referred to page 7 of the Single Audit Book, noticed a difference from last year. Mr. Connors explained the auditing firm chooses which accounts from year to year. President deMedeiros thanked Mr Connors.

Approval of Consent Agenda:

All items listed with “(CA) “are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President deMedeiros read the items on the Consent Agenda. Councilor Chabot requested removal of item CA 1-I, Approval of Council Special Meeting Minutes of February 13, 2016. Councilors Lambert and Perry both requested removal of item CA8, Town Planner –Request Referral to Planning Board of Abandonment of Communication Drive in Industrial Park by Longplex Project.

Councilor Perry motioned to Accept the rest of the Consent Agenda. The motion, seconded by Councilor Lambert passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Regular Council Meeting Minutes of January 11, 2016
- b. Approval of Executive Session Minutes Council Meeting January 11, 2016
- c. Approval of Joint Workshop With B/C and S/C of January 14, 2016
- d. Approval of Council Special Meeting Minutes of January 20, 2016
- e. Approval of Council Special Meeting Executive Session Minutes of January 20, 2016
- f. Approval of Regular Council Meeting Minutes of January 25, 2016
- g. Approval of Council Special Meeting Minutes of February 6, 2016
- h. Approval of Council Special Meeting Minutes of February 13, 2016
- j. Approval of Council Special Meeting Executive Session Minutes of January 7, 2016

A-2-Receipt of Minutes from the Following Boards, Commissions:

- a. Historic Preservation Advisory Board
- b. Annual Report of Historical Cemeteries Commission
- c. Annual Report of Pocasset Hill Cemetery Commission
- d. Recycling/Landfill Committee
- e. Historical Cemeteries Commission
- f. Pocasset Cemetery Commission
- g. Board of Canvassers (3)
- h. Harbor and Coastal Waters Management Commission

A-3-Correspondence – Receive and File:

- a. Town Councils of Exeter, Middletown, Richmond, Hopkinton, Gloucester and Narragansett – Resolutions in Opposition to the Governor’s Proposed Truck Toll Gantry Plan
- b. Ginger Lacy – Regarding Industrial Park
- c. Susan Rodriguez – Opposed to Extension of Legacy Standstill Agreement
- d. Donna Cook - Opposed to Extension of Legacy Standstill Agreement
- e. Michael J. Gorman, Sr. Regarding Rescue Squad/EMT’s Exemplary Service
- f. League of Cities and Towns – Priorities for Legislative Action 2016
- g. Susanne Thayer-Kramers Regarding Legacy Development

A-4-Approval of Tax Assessor Abatements

A-5-Treasurer’s Quarterly Budget Report Summary for Division of Municipal Finance and Auditor General

A-6-Town Administrator – Distribution of Department Monthly Reports for January 2016

A-7-Town Administrator – Distribution of Police and Fire Department January Overtime Reports

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-1i-Approval of Council Special Meeting Executive Session Minutes of February 13, 2016

Councilor Chabot had some questions for the Town Clerk Nancy Mello regarding these Executive Session minutes, requested deferring to the next meeting.

Councilor Chabot motioned to Table to the next meeting CA1i to the next meeting. The motion, seconded by Councilor Pelletier passed unanimously.

CA-8-Town Planner –Request Referral to Planning Board of Abandonment of Communication Drive in Industrial Park by Longplex Project

Councilor Lambert questioned if this was just for referral to the Planning Board; Solicitor Skwirz affirmed it was. Councilor Perry requested an update from Mr. Long who was in attendance. Mr. Long was ready to go, just waiting to have the abandoned road on record. President deMedeiros explained Mr. Long was in the process of building a sports complex in the Industrial Park (the Park). Councilor Pelletier questioned if abandonment of road was for the entire length or just a portion as it would land lock two other parcels. Mr. Long intended to purchase 3 lots. Town Planner Marc Rousseau explained the Planning Board will look at it, may involve having a cul de sac. Solicitor Skwirz explained this would have to be advertised 21 days prior to the public hearing in a newspaper of general circulation. The administrative subdivision is a separate item handled by the Planning Board or the Administrative Officer. Councilor Chabot noted the agenda request was to take this road abandonment before the Planning Board for an advisory opinion. Solicitor Skwirz explained under the statute it was not necessary to get a recommendation from the Planning Board. Councilor Pelletier was concerned the agenda request did not mention a public hearing. Solicitor Skwirz opined the discussion was fine as long as the motion was correct. President deMedeiros noted the discussion of the public hearing is part of clarifying the procedure for this road abandonment. Town Clerk Mello noted the public hearing would not be until the end of March; President deMedeiros added the Town is the abutter and could schedule this for March 28. Town Clerk Mello noted the advertising has to be prepared, would need this by the end of the week.

Councilor Sousa motioned to set a Public Hearing for the Abandonment of the road for March 28, 2016. The motion was seconded by Councilor Pelletier who suggested having an opinion from the Town Planner. Mr. Rousseau explained this item was on the Planning Board agenda for March 1. Motion passed unanimously.

B-1-PUBLIC HEARINGS:

1. Town Administrator – Approval of Amendments to Fees and Fines Resolution **Fire Department Rescue Fees – Continued from January 25th**

Fire Department Chief Robert Lloyd explained it has been some time since fees were changed, trying to get them in the same range as neighboring communities. Chief Lloyd had provided pie charts for the February 8 meeting which was cancelled due to snow. The charts, from the last 3 years, showed the largest portions of insurance paid come from Medicare and Blue Cross. For residents this is charged to the insurance companies, have to accept what is given; does not affect the residents. Many years ago the Town Council decided not to bill residents; would accept what the insurance gives. May get additional revenue from secondary insurances.

President deMedeiros opened the hearing for comment from the public. Called for comment 3 times, hearing none closed this public hearing.

Councilor Lambert motioned to Approve the Amendment to the Fees and Fines Resolution as set forth in B-1-1 under Public Hearings. The motion was seconded by Councilor Sousa, discussion followed. Councilor Perry believed this was to be for all fees. T/A Wojcik recalled from previous discussion the Council was going to schedule a workshop. Do not anticipate a lot of changes; do need to have a longer discussion on mechanical fees and permits. President deMedeiros polled the Council for availability next Monday. Councilor Pelletier suggested calling it a special meeting, may vote to send some items forward. The motion passed unanimously.

2. Public Hearing – Demolition of Unsafe Buildings – Status Update
Dennis & Donna Silvia, 1588 Bulgarmarsh Road – Plat 215, Lot113

Administrator Wojcik has reached out to the parties, questioned if the Council wanted to move forward. Solicitor Skwirz read an email just received this afternoon from Attorney Mason who was waiting for the necessary documentation. Attorney Mason requested more time. President deMedeiros called for comment from the public three times, hearing none called for a motion to continue this item.

Councilor Sousa motioned to Continue the Public Hearing for the Demolition of Unsafe Buildings to March 14, 2016. The motion seconded by Councilor Pelletier passed unanimously.

3.Public Hearing to Amend Ordinance 78-71 Pertaining to Parking Restrictions On Portion of Lepes Road North and South Sides Between Poles #3724 and #3725 as Recommended by Chief Blakey and DPW Director Berlucchi

Police Chief Thomas Blakey explained the original ordinance had no parking at a certain point. The bottom of the road is not applicable to the ordinance, looking to eliminate parking on the crest of the hill so the rest of the road would open up to parking. Emergency vehicles can get through without a problem. President deMedeiros opened the public hearing calling three times for comments from the public. Hearing no comments the public comment portion was closed. Councilor Sousa questioned if residents were notified, Town Clerk Mello explained this request was from a resident with an attached petition signed by area residents. Chief Blakey clarified; only want to eliminate parking at the crest of the hill.

Councilor Lambert motioned to Amend Ordinance 78-71 Pertaining to Parking Restrictions On Portion of Lepes Road North and South Sides Between Poles #3724 and #3725 as Recommended by Chief Blakey as more fully set forth in agenda item B3. The motion, seconded by Councilor Chabot passed unanimously.

As more fully set forth the Adopted Amendment to Ordinance 78-71 to read as follows: No person shall park a vehicle at any time upon the portion of Lepes Road and South sides between Poles #3724 and 3725 along both side of the roadway.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:
NON ADVERTISED LICENSE

1.Manuka Sports Event Management, 11 Touro Street, Newport – Authorization for Road Race (Tiverton Portion Only) Beginning at Town Farm, Neck Road to Fogland Beach. Departs Fogland Beach on Paddle Boards to Be Held on August 7, 2016

Julianna Barbieri co-owner of Manuka Sports explained this was the second year for this Race the State event. This year the paddle boat event will go from Fogland to Sandy Point beach in Portsmouth. The race has 5 legs, can do as a team or individually; first leg starts at 6:00 am, will be out of Fogland by 7:30 am. Chief Blakey noted the Police Department will work with race organizers. Solicitor Skwirz requested the applicant enter into an Indemnity agreement with the Town and provide proof of insurance.

Councilor Pelletier motioned to Grant Authorization for a Road Race beginning at Town Farm, departing Fogland Beach on Paddle Boards to be held on August 7, 2016 subject to Proof of Insurance and Indemnity to the Town. The motion, seconded by Councilor Perry passed unanimously.

2. John Skrzypiec, 48 Island View Drive d/b/a EOS Investigations – Requests Approval for Annual Renewal of Private Investigator License

Chief Blakey noted there were no disqualifiers for this applicant.

Councilor Pelletier motioned to Approve the Annual Renewal of Private Investigator License for John Skrzypiec, 48 Island View Drive d/b/a EOS Investigations subject to meeting all legal requirements. The motion, seconded by Councilor Chabot passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Appointments

1. Economic Development Commission – New Request - Marc C. Pfeiffer, 20 South Court – Filling Unexpired Term to 7/15/2019

Mr. Pfeiffer had interviewed once before when there was a vacancy on the Planning Board. Mr. Pfeiffer was interested in the Economic Development Commission (EDC) to help shape development in Tiverton especially with tax revenue opportunities to develop in conformance with the Comprehensive Community Plan (Comp Plan). A lengthy interview process followed including several questions from the Council. Mr. Pfeiffer opined this position was to look at various proposals and looking at what makes sense for the Town. President deMedeiros looked at the EDC as promoting businesses in Town and would then recommend different things to the Town. Councilor Perry agreed saw EDC as helping business come into Town, to get their foot in the door. Councilor Lambert noted the need for real development; not just mom and pop stores. Need to keep in mind the tax rates, liked to see area around Route 24 developed. Councilor Perry noted the Comp Plan was a guide, not the gospel. Mr. Pfeiffer was aware; opined the Comp Plan had some strong points on development within the scope of the Town.

Councilor Chabot questioned Mr. Pfeiffer about the Enterprise Zone and read some of the duties and responsibilities of the EDC which included acting as a liaison to the RI EDC, assist town businesses, particularly those that are marine or agriculture and assist in the search for and attract businesses. Councilor Chabot wanted to see more focus on businesses that exist in Town and those storefronts. Councilor Sousa questioned the Solicitor of the process for removal of an appointee. Solicitor Skwirz explained the appointee serves at the pleasure of the Council. Could put it on an agenda if there is a majority vote; noted this was not a common practice; two different processes if one misses constantly or if a member is too divisive to a board that it cannot function properly. The Planning and Zoning Boards need separate deference given they are quasi-judicial committees. It is not appropriate to remove someone who does not vote the way you like. There were no other Council questions.

Councilor Pelletier motioned to Appoint Marc C. Pfeiffer, 20 South Court to fill the Unexpired Term to 7/15/2019 on the EDC. The motion, seconded by Councilor P. Mello failed on a vote of 3-4, Councilors Sousa, P. Mello and Pelletier in favor; Councilors Perry, Lambert, deMedeiros and Chabot opposed.

E-UNFINISHED BUSINESS:

There were no items under Unfinished Business.

F-FINANCIAL BUSINESS:

1. Town Administrator – Requests for Transfers:

a.From Acct#3310-5101 (Fire Personnel Services) to Acct#1050-7191 (Legal-Labor Counsel) for \$30,000

Administrator Wojcik explained the Labor Counsel account was running short, was cut in last year's budget. The shortfall was not unanticipated, had been explained to the Council was to cover labor arbitration and contract negotiations. Money was saved in the Fire Personnel account when the Fire Fighters contract was amended. Money was also needed to pay Special Counsel Steve Robinson for termination arbitration.

Councilor Perry motioned to Approve the request to Transfer \$30,000 from Acct#3310-5101 (Fire Personnel Services) to Acct#1050-7191 (Legal-Labor Counsel). The motion was seconded by Councilor Chabot

who noted this may not be the only transfer for this account this year. T/A Wojcik agreed still expect more invoices regarding contract negotiations and arbitration; will try to hold down as much as possible. The motion passed unanimously.

b.From Acct#1020-6890 (Town Council Contingency) to Acct#2300-5295 (Unfunded Liability) for \$28,000

Administrator Wojcik explained this could also be known as bust out pay when an employee leaves and has accrued sick pay and vacation pay. This year three people have left; an unanticipated event.

Councilor Perry motioned to Approve the request to Transfer \$28,000 from Acct#1020-6890 (Town Council Contingency) to Acct#2300-5295 (Unfunded Liability). The motion, seconded by Councilor Pelletier passed unanimously.

2. Town Clerk – Request Authorization to Use \$6,656.80 From Treasurer’s Special Revenue Fund of Carpionato, LLC #528-0000 to Cover Unpaid Invoice Relative to Firefighter Details and Advertising

Town Clerk Mello had attached invoices sent to Carpionato, have paid these details out of the department funds. Some \$41k was set aside for permitting. Councilor Sousa questioned if a fire department detail was required. Chief Robert Lloyd explained it is State law depending on the size; this was held at the High School which does not have sprinklers. Councilor Pelletier questioned where this money was coming from, Town Clerk explained Treasurer Denise Saurette has an account that is set aside, they agreed to put this in while appealing permitting fees, it is their funds. Discussed with the Treasurer, recalled Ms. Michaud had used this account for some of those expenses. Treasurer Saurette explained there were two charges used to pay the fiscal impact study, inspections and advertising for the hearings. Typically have funds for a development that is drawn down. Town Clerk Mello did review this with Solicitor DeSisto.

Councilor Perry motioned to Authorize to Use \$6,656.80 From Treasurer’s Special Revenue Fund of Carpionato, LLC #528-0000 to Cover Unpaid Invoice Relative to Firefighter Details and Advertising. Seconded by Councilor P. Mello the motion passed unanimously.

3. Town Clerk – Request Authorization to Waive Bid or Advertise to Purchase Municipal Court Software
a.Request Use of Funds for Purchase From Council Contingency of \$7,000

Solicitor DeSisto arrived at this time, 8:10 pm.

Town Clerk Mello explained this would be to purchase the software to use for Municipal Court to comply with eticketing. Would need someone to write the specs to join it with the Police Department software. Spoke to the company, over 20 communities in RI use this vendor; there are 27 Municipal Courts in RI. This is not a sole vendor as some towns use their financial software. Cost estimated at \$14k; have to advertise but need to secure the funding first, annual maintenance for this program is \$5,500. Part of plan is to possibly eliminate part timers’ position and bring clerical duties under Clerk’s office personnel. Municipal Court Clerk is retiring April 27, need to move quickly.

Councilor Perry motioned to Go out to Bid for Municipal Court software using \$7,000 from Council Contingency fund. The motion was seconded by Councilor Chabot who questioned if there was enough as the Council just transferred some funds. T/A Wojcik affirmed there was \$22k left in that account. Motion passed unanimously.

G-1-NEW BUSINESS:

1. Town Administrator – Ratification of Contract for Town Planner, Marc Rousseau

Administrator Wojcik explained Mr. Rousseau’s contract was for one year; staff has changed, would like to reorganize the department, workload and expectations. Mr. Rousseau has started long range planning, assembled records and identified errors with plans to correct those errors. The contract is contingent upon Mr. Rousseau being appointed Planning Board Administrative Officer (A/O) for one year. The initial A/O appointment to that

position cannot be for more than one year; subsequent appointments can be for up to 2 years. Requested the Council ratify this contract to move forward. President deMedeiros noted the contract was for 3 years, questioned if it needed to be contingent upon appointment of the A/O. T/A Wojcik explained the contract was condition precedent. Councilor P. Mello questioned how the employee could be bound by the contract if this appointment was at the pleasure of the Council and opined the A/O should be outside this contract; the Town Planner duties should be able to perform A/O functions. Solicitor DeSisto viewed this as affecting the position of Planner; created a condition if the Planner is not the A/O then the contract is null and void. T/A Wojcik was asking the Council to vote on both; the stipend for the A/O has been removed from the budget to save money.

Mr. Rousseau saw this as a one year contract if given the A/O position for 1 year. The original wording said may be appointed as A/O, left flexibility in the job description. Councilor Lambert suggested adding the words if so appointed when referring to the A/O, agreed this was almost forcing the Planning Board to take Mr. Rousseau as the A/O. T/A Wojcik noted the Planning Board was advisory to the Council. Councilor P. Mello opined the A/O should not be part of this contract. Administrator Wojcik recommended the Town Planner and A/O be the same person; constrained by the ordinance. President deMedeiros noted the next item, G2, is the Planning Board recommendation to appoint Mr. Rousseau for 6 months. Councilor Chabot will be voting no on the Planner contract for Mr. Rousseau, did not believe he was the right person for the job. T/A Wojcik did not believe 6 months was a fair test. Mr. Rousseau has a lot of work to do, can have an executive session on performance. Mr. Rousseau requested full time clerical help. Councilor Perry moved the vote.

Councilor Lambert moved to Ratify the Contract for Town Planner, Marc Rousseau as attached in item G1. Councilor Sousa seconded the motion, additional discussion followed. Councilor Sousa has noticed the hard work; the Planer is working on several things. Previously against having a Planner, will support this contact for one year. Councilor Pelletier requested the 6 month time frame be considered as part of the motion. Solicitor DeSisto recommended if the Council approves this contract then address the matter of appointing the A/O as a separate item. The Planner's performance is reviewed by the Council. Administrator Wojcik has been attempting to document the wide responsibilities of the A/O, regulated under State Law and the subdivision regulations. Mr. Rousseau has been under the employ of the Town for one year, already passed a probation period. Mr. Rousseau has a good work ethic and has been a very solid performer. Solicitor DeSisto suggested voting on the appointment of the A/O first and then the contract.

Councilor Perry motioned to move up item G2, Appointment of Administrative Officer Planning Board Recommendation. Seconded by Councilor Lambert, motion passed unanimously.

2. Council President deMedeiros – Appointment of Administrative Officer Planning Board Recommendation

President deMedeiros noted this has been discussed as part of the Planner's contract, called for any more comments. Councilor Pelletier opined the 6 months recommendation from the Planning Board was not unreasonable. Councilor Lambert recognized Mr. Rousseau was in a bad position, caught in the middle; the A/O position has been a political hot topic. Councilor P. Mello, from the first time opined Mr. Rousseau was not qualified. Councilor Sousa opined 6 months was not necessary, should be for one year.

Councilor Perry moved to extend the Appointment of Administrative Officer for Marc Rousseau to one year. The motion, seconded by Councilor Sousa passed on a vote of 4-3, Councilors P. Mello, Chabot and Pelletier opposed.

Town Administrator – Ratification of Contract for Town Planner, Marc Rousseau – Returned to this item

President deMedeiros called for any additional comment, hearing none called for a motion.

Councilor Perry motioned to Ratify the Contract for Town Planner, Marc Rousseau for one year. The motion, seconded by Councilor Sousa passed on a vote of 4-3, Councilors P. Mello, Chabot and Pelletier opposed.

3. Council President deMedeiros - Discussion and Action of Planning Board Clerk Vacancy

Administrator Wojcik explained the question if how to staff the offices and all the land use functions. Keep coming back to the tremendous work load; with Ms. Michaud job a description was difficult to define as she was the A/O and worked in a union clerical position. Lines were blurred between the two; have 2 versions of the budget and requested department heads to staff for status quo. Reviewed the job description with Ms. Michaud, the Union President and Mr. Rousseau. Found that a full time equivalent position was needed. Negotiated a memorandum of understanding with the union to have a Land Use Clerk (LUC). Mr Rousseau commented, this description is really for 2 people, very technical, may not find anyone who is qualified. The A/O needs the support of a full time clerk, have 24 major projects on the master list and 3 subdivisions with more attention needed, some 8-10 years old. Councilor Sousa was not in favor of adding an additional clerk. Administrator Wojcik explained this was for one clerk, job description could be broader. Councilor Sousa requested more time before voting, Councilor Perry noted the need to move quickly. A special meeting was suggested for 2/29.

Councilor Sousa motioned to continue this item to a Special Meeting on February 29, 2016. The motion, seconded by Councilor Perry passed unanimously.

4. Council President deMedeiros – Discussion and Action - Legacy Financial Request

President deMedeiros put this item on for discussion; the standstill agreement with Legacy expires 3/4/16. The Council President was concerned about going for a TIF bond, not willing to put the Town in future debt with this project. Requested the Town Planner put together more information to see if the State is funding completely in that case the Town would have no obligation. Mr. Rousseau noted the State wants more specific numbers. Legacy did not want to go there with specific numbers and need the land under agreement. Councilor Lambert agreed, the Town cannot afford a TIF bond, did not want to give tax incentives from the Town, and would have no financial benefit. Councilor Sousa did not want to be locked in, wanted to keep options open. Councilor Perry agreed with Councilor Lambert, did not want to put the Town in any more debt. President deMedeiros sought clarification from the Solicitor on whether or not the TIF bond would have to go before the voters. Solicitor DeSisto opined, statutorily no, the Town creates TIF districts. Administrator Wojcik noted all indebtedness over \$500k including special obligation bonds would have to be voted on. Councilor Chabot agreed, did not want to fund a retail development through a TIF bond.

In the interest of full disclosure Councilor Pelletier told the Council Bart Side contacted him a number of times, forwarded those emails to the Town Clerk. Mr. Sides asked to meet with Councilors deMedeiros, Chabot and Pelletier to have coffee, told Mr. Sides no. Councilor Pelletier opined this economic model did not make sense, according to the presentation they would want the Town to subsidize \$75 million for a 50% stake on 100% of the deal. They guarantee zero equity; the Town would shoulder 50% of the debt with zero recourse. Solicitor DeSisto noted the Town Clerk pointed out Section 203 of the Town Charter- Balloting on Major Appropriations and on Proposals for Borrowing or the Issuance of Bonds. This section cited State Law, Chapter 33.2 of Title 45 of the General Laws. Anything in excess of \$500k has to go to the voters. Councilor Pelletier opined one way to leverage was to not allow them site control. President deMedeiros clarified, if the Council does not do anything the standstill agreement expires. Councilor Pelletier suggested taking a vote not to extend it. T/A Wojcik agreed, the Council had a conversation on the merits, pricing and program, opined was the right thing to do to deny any possibility of a revised standstill agreement. President deMedeiros noted if they really want this project they will find a way to fund it.

Councilor Pelletier made a motion to indicate to Legacy Development our intention not to renew the Standstill Agreement and direct the Town Administrator to do such. The motion, seconded by Councilor Perry passed on a vote of 6-1, Councilor Sousa opposed.

5. Town Solicitor – Proposed Marijuana Ordinance

Solicitor DeSisto explained current State law allows for cultivation of medical marijuana. There are 3 ways this can happen; a cardholder can cultivate a caregiver up to 12 plants for people who cannot grow their own, 3 compassion centers. Not a lot of regulation at State level leaves up to local rules and regulations. Other communities are looking at this from a zoning perspective particularly those in rural areas. Solicitor DeSisto is on the Attorney General's task force for this item recommends having a zoning ordinance for medical marijuana otherwise it creates problems for enforcement. Prudent from a health and safety standpoint to enact zoning regulations for this. At the State level new legislation is being considered to create different cultivators of growing and to be able to tax this type of cultivation just like other types of use. If the Council agrees, suggest this be referred to the Planning Board for recommendation and to set a public hearing later on this month. Councilor Sousa questioned if a compassion center could be put in the North end. Solicitor DeSisto explained that would be a policy consideration to put this type of use in the use table, what zones and where they should be. Could be as a special use permit. Councilor Pelletier questioned if this could be permitted as this is a federally controlled substance. Solicitor DeSisto explained there would have to be a disclaimer that under federal law this is not permitted. Under this proposal a compassion center is prohibited, other communities have stricter regulations. Chief Blakey explained from a man power standpoint would be good to know where this is being grown instead of looking at this as probable cause. Should have some type or regulations just to monitor.

Solicitor DeSisto added the only requirement under State law is for co-operative growers to grow it together; no other regulations say inside or outside. The only State requirement for growing indoors is a co-operative grow. There is new legislation allowing for cultivation just to sell it. Councilor Pelletier noted there is a real concern for dangerous conditions. Building Official Neil Hall visited two sites, had no permits for electrical or plumbing. did not know what types of chemicals were being used or where the water was going. Councilor Chabot questioned if the table could be changed to S for Special Use Permit and still meet State regulations especially if there is a multi-family home involved. Solicitor DeSisto opined that could be done. Councilor Lambert questioned if the Town wanted to identify people who come in to get a permit. President deMedeiros opined could be a HIPA violation, Solicitor DeSisto found that to be a good point.

Councilor Pelletier motioned to forward this proposed ordinance to the Planning Board for review and recommendation and return to the Council. Solicitor DeSisto requested setting down for the second meeting in March or the first one in April. Town Clerk Mello will put on March 28 if the advertising is received in time. The motion, seconded by Councilor Chabot passed unanimously.

6. Police Chief Blakey – Authorization to Purchase 2014 (left over) Dodge AWD Police Package Cruiser Utilizing \$21,500 From Acct #3330-6648 (Tire and Auto Parts)

Chief Blakey noted this has been discussed at budget meetings; reducing the capital request by 1 vehicle, looking to purchase a 2014 leftover, still new. Since the department does not trade in vehicles will save between \$4-5500K. This dealership was the low sole bidder last year, using as a sole source vendor. Have enough left in the tire account for the rest of the year. This is a brand new vehicle that was ordered by another police department but they did not have enough funds to purchase.

Councilor Perry motioned to Authorize to Purchase 2014 (left over) Dodge AWD Police Package Cruiser Utilizing \$21,500 From Acct #3330-6648 (Tire and Auto Parts). The motion, seconded by Councilor Chabot passed unanimously.

7. Council President deMedeiros – Approval of Snow and Trash Services for Bolduc Lane

Solicitor DeSisto explained Bolduc Lane residents have been asking the DPW for snow and trash services. In 1941 the plat was accepted for the plan of Stafford Heights, was never formally accepted by the Town. In order for some type of maintenance to be done an action is required by the Council; that Council action does not constitute acceptance. This is in the Council's discretion, has been done before. T/A Wojcik had an email from

Director Berlucchi who recommended extending services to Bolduc Lane. The residents took up a collection to put up a base course and will be putting down a finish course.

Councilor Perry motioned to Approve Snow and Trash Services for Bolduc Lane. The motion, seconded by Councilor P. Mello passed unanimously.

8. Conservation Chair Trish Hilton – Approval of Resolution Opposing House Bill H7651

Ms. Hilton explained recently a bill was introduced in the legislature that minimum wetlands buffer does not have to be met when calculating buildable minimum lot size. In Tiverton the jurisdictional wetlands are used which is not only the wetlands but also what is deemed by DEM. Potentially could have more buildable house lots than zoning allows. Zoning clearly gives municipalities the right to regulate their own land use. This would impact communities like Tiverton which doesn't entirely have town water or sewer. Ms. Hilton was also looking for Council permission to go with some members from Conservation and Planning before the sub-committee to testify in opposition to this bill. Councilor Lambert was looking at the rationale; wanted to know what communities were involved. Some include the buffer to reduce buildable lot size. Ms. Hilton explained under the State enabling legislation every community is allowed to do that today. Bills like this seem to be chipping away at the communities land use. Councilor Lambert suggested the rationale include letting each individual community decide the buffer zones. Ms. Hilton agreed, communities should decide not the General Assembly. Councilor Chabot pointed to the last paragraph where it says requesting support of this bill, shouldn't this say opposing the bill?

Councilor Pelletier motioned to Approve the Resolution Opposing House Bill H7651 as amended and give blessing to the Conservation Commission and Planning Board members if they so choose to represent the Town at the State. Solicitor DeSisto suggested adding to the motion to send to the local delegation and the Chair of the Municipal House Affairs Committee. The motion, seconded by Councilor Chabot passed on a vote of 6-1, Councilor Sousa opposed.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. DPW Director Berlucchi – Request Award of Bid for Hotbox to J.C. Madigan, Inc, Lancaster, MA for \$39,240

Administrator Wojcik explained this was the only vendor who met the specifications which included having the jacket that surrounds the hotbox; just happens to be the most expensive. Director Berlucchi was unable to attend this meeting.

Councilor Perry motioned to Approve the request to Award the Bid for Hotbox to J.C. Madigan, Inc, Lancaster, MA for \$39,240. The motion, seconded by Councilor Pelletier passed unanimously.

2. Request Transfer of \$25,000 From Paving/Road Repair Acct #5540-6794 to Municipal Capital DPW Hot Box Acct #0980-8777

President deMedeiros noted this item had already been vetted out.

Councilor Perry motioned to Approve the Transfer of \$25,000 From Paving/Road Repair Acct #5540-6794 to Municipal Capital DPW Hot Box Acct #0980-8777. The motion, seconded by Councilor Chabot passed unanimously.

H-1-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:

Sally Black thanked the Town Council for meeting every Saturday morning to go over every line in the Budget; also thanked the Budget Committee for meeting every Thursday night through cold and snow. Wanted people to know this is an intense process.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

1.Town's Annual Rabies Clinic – Sunday, March 13, 2016 at the DPW Garage from 12 noon to 3:00 p.m. Licenses Available Between the Hours of 1:00 and 2:30 p.m.

Administrator Wojcik reminded the Annual Rabies Clinic is Sunday, March 13, 2016 from 11am to 3pm at the DPW Garage; just licenses are available from 1pm to 2:30 pm.

2. Memorandum Regarding Boards and Commissions Open Meeting Act Requirements

Administrator Wojcik discussed the Memorandum regarding Open Meetings and agenda filings. The memo went to board and commission chairs to remind them the Town Hall closes at 4pm and agendas need to be posted in advance of that time. Reminded cannot discuss business outside of a posted meeting and discussed the aspect of social media. Solicitor DeSisto did not recommend any board or commission use a Facebook or social media page. President deMedeiros noted boards and commissions can send announcements or notices to the webmaster to post.

J-COUNCIL ANNOUNCEMENTS:

Councilor P. Mello requested the Solicitor give an update on the status of the Quarry legislation. Solicitor DeSisto explained the legislation has not been introduced by Rep. Edwards. President deMedeiros will contact Rep. Edwards about this legislation. The Councilor requested from the Administrator a copy of all the filings of the public records requests regarding Grinnells Beach. Administrator will get those to the Councilor; explained RIDOT asked for extra time and the State Treasurer has not responded in the required 10 days. There was an email breakdown at the Town Hall, could not send out any emails. Did have a productive meeting last Friday with the Chief Engineer for RIDOT, the \$2.3 million still exists, they have found the money. Will put this in a letter as correspondence for the next meeting. RIDOT needs to send to the Council approval for amendments to the contract. Councilor Sousa requested a tour of the Landfill so the Council can see what is going on; Councilor Lambert volunteered to go.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor items or announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello gave the Council copies about the St. Patrick's Day Parade. Clarified the March calendar and upcoming special meetings; Saturday February 27 is for the special meeting on the budget. Will probably need a couple more, consensus was for Monday, February 29 at 7pm and for Saturday, March 5 at 9:00 am.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor – 42-46-5(a) (2) – Litigation McInnis v. Town, et al. C.A. No. NC 08-0629

2. Town Administrator – 42-46-5(a) (2) – Potential Litigation

3. Personnel – 42-46-5(a) (1) – Town Administrator Performance Evaluation

4. Town Solicitor – 42-46-5(a) (2) – Litigation – Town of Tiverton v. James and Melissa Pelletier

Councilor Lambert motioned to enter into Closed Executive Session pursuant to 42-46-5(a) (2) re: Litigation McInnis v. Town, et al. C.A. No. NC 08-0629. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert motioned to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Potential Litigation. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert motioned to stay in Closed Executive Session pursuant to 42-46-5(a) (1) re: Town Administrator Performance Evaluation. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert motioned to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation – Town of Tiverton v. James and Melissa Pelletier. The motion, seconded by Councilor Chabot by roll call vote passed 6-0-1, Councilor P. Mello recused.

The Council entered into Executive Session at approximately 10:15 p.m.

The Council returned to Open Session at approximately 11:40 p.m.

OPEN SESSION:

Councilor deMedeiros announced no formal action was taken in Executive Session.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Lambert, motion passed unanimously.

ADJOURNMENT:

Councilor Perry motioned to adjourn, seconded by Councilor P. Mello. The motion passed unanimously.

The meeting adjourned at 11:45 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk